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Promotion and protection of the rights of children: promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted pursuant to General Assembly resolution 51/77 and subsequent resolutions on the rights of the child, the most recent of which is resolution 64/146. In resolution 64/146, the Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report to the General Assembly containing information on her field visits, on the progress achieved and the challenges remaining on the children and armed conflict agenda.

The present report covers the period from August 2010 to August 2011 and provides an overview of progress in the children and armed conflict agenda, followed by an account of the trends and remaining challenges faced. Section II details progress made over the past year, including on awareness-raising, partnership building, information collection and the release of children from armed forces and groups. Section III highlights remaining challenges in the context of the changing nature of conflict and outlines other emerging issues of concern. Section IV describes the way forward in terms of ending violations committed against children. Section V describes actions taken to mainstream the children and armed conflict agenda within the United Nations system Section VI presents a set of actionable recommendations on the protection of children affected by conflict for the attention of the General Assembly.

The annex to the report sets out suggested standard operating procedures outlining minimum measures that may be put in place by national armed forces, as well as multinational and peacekeeping forces, to ensure the protection of children in the course of military operations.

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I. Introduction

1. The present report is submitted to the General Assembly pursuant to resolution 51/77 and subsequent resolutions on the rights of the child, the most recent of which is resolution 64/146. The report covers the period from August 2010 to August 2011 and highlights progress made over the past year, current trends and challenges, the way forward on ending grave violations against children in armed conflict and child protection mainstreaming in the United Nations system. The report ends with recommendations aimed at enhancing the protection of children affected by conflict.

II. Children and armed conflict agenda: overview of progress

A. Raising global awareness

2. Raising awareness and promoting the collection of information on the plight of children affected by armed conflict is a core aspect of the mandate given to the Special Representative of the Secretary-General for Children and Armed Conflict by the General Assembly. A multipronged approach to awareness-raising has been undertaken by the Office of the Special Representative during the reporting period.

3. The Special Representative has continued to submit reports on the situation of children and armed conflict to the General Assembly and the Human Rights Council. In addition, the Office of the Special Representative has served as the Secretariat entity charged with the preparation, in close consultation with United Nations partners and country task forces, of the Secretary-General's annual and country-specific reports on children and armed conflict to the Security Council. These reports provide a platform for advocacy and an authoritative and regular account of the progress made and challenges faced with regard to the protection of children in concrete country situations.

4. The Office of the Special Representative supports the development of policy through the preparation and distribution of literature that contributes to policy discussions. Working papers on key aspects of child protection, such as the 2010 paper on internally displaced children, build knowledge and understanding of "grey areas" in the subject by distilling academic and policy experience and supporting advocacy efforts. In addition, together with the United Nations Children's Fund (UNICEF) and other key United Nations partners, the Office of the Special Representative has produced a broad range of guidelines for the field, including guidance and templates for use by field-based United Nations partners in the development of action plans to halt sexual violence and the killing and maiming of children.

5. The Special Representative, in her role as global advocate for children affected by armed conflict, has continued to serve as an independent moral voice for such children. Through field trips, outreach and use of traditional and social media, the Special Representative has managed to relay the concerns of children in conflict areas, mobilize solidarity with children affected by armed conflict and maintain a sense of urgency amongst key decision makers. In addition, during the reporting period her Office organized nine events to raise awareness and knowledge related to children and armed conflict.

6. The Special Representative's emphasis on field missions continues to be central to her advocacy efforts. Field visits enable first-hand assessments of the situation of children, engagement with Governments to support their efforts in protecting children, the securing of concrete commitments from parties to conflict on child protection and support for the implementation of monitoring and reporting activities, and dialogue with relevant parties. During the reporting period and upon the invitation of the Governments concerned, the Special Representative undertook field visits to Somalia (November 2010), Afghanistan (January 2011), the Philippines (April 2011), and Chad (June 2011).

B. Building global partnerships

7. In line with the mandate given to the Special Representative by the General Assembly, building global partnerships and a network of stakeholders is indispensable to enhancing protection. Playing a convening role, the Special Representative brings together those with stakes in the protection of children affected by armed conflict and acts as a bridge between all parties.

8. Maintaining close contact with members of the General Assembly in order to create awareness, take stock of their priorities and strengthen global support for the protection of children affected by armed conflict has been a key priority for the Special Representative. The Group of Friends of Children and Armed Conflict, composed of Member States from all regional groups committed to the child protection agenda, has been critical for this engagement.

9. Continuing consultations with Member States, particularly during the preparation of the Secretary-General's annual and country-specific reports on children and armed conflict, are essential to ensure that the concerns of Member States are taken into account in the drafting of the reports. Going forward, the Special Representative aims to continue this critical dialogue with concerned Member States, in order to strengthen collaboration and ensure buy-in and commitment to the protection of children.

10. Civil society organizations are fundamental to the work of the Office of the Special Representative. They inform the Office of emerging matters of concern, provide innovative suggestions on policy questions and challenges and alert the Office to areas in need of improvement, when necessary. The Special Representative works closely with non-governmental organizations (NGOs) operating at the global and national levels and holds regular meetings with civil society representatives to brainstorm, discuss areas of common concern and keep them abreast of developments on the agenda. Concerted advocacy efforts on specific country situations during the reporting period, including on the situation of children affected by conflict in the Central African Republic, have led to a closer partnership with the authorities, increased international attention and operational commitments by child protection partners on the ground.

C. Collection of information on children affected by armed conflict

11. With the establishment of the monitoring and reporting mechanism on children and armed conflict in 2005 pursuant to Security Council resolution 1612 (2005) and its subsequent implementation in various countries, efforts to gather timely and

reliable information on grave violations against children have borne fruit. The creation of country task forces on the monitoring and reporting of grave violations against children, under the leadership of the highest United Nations authority on the ground, has strengthened United Nations data-gathering capacities and improved the collection and flow of accurate information on six grave violations. This comprehensive framework of information collection contributes to a better understanding of the issue of children and armed conflict and to a greater range of appropriate responses from Headquarters and agencies and programmes in the field. To date, the monitoring and reporting mechanism has been successfully implemented in 15 country situations.

12. As a result of information collection efforts on behalf of the Secretary-General, the Office of the Special Representative has, during the reporting period, prepared six country-specific reports, on the situation of children and armed conflict in Afghanistan, Chad, the Central African Republic, Iraq, the Sudan and Somalia, in consultation with relevant partners. These reports raise the profile of the children and armed conflict agenda and, through their dissemination, provide a solid information base for response by national and international child protection partners and civil society, while providing data for the academic community.

D. Release of children from armed forces and groups

13. The 1996 Graça Machel study on the impact of armed conflict on children (A/51/306 and Add.1) highlighted the recruitment and use of children by armed forces and groups as an alarming characteristic of contemporary conflict and one which constitutes a grave violation. Since then, through advocacy and the focused efforts of national and international child protection partners, numerous children have been separated from armed forces and groups. In 2010, 11,393 children (8,624 male and 2,769 female) benefited from reintegration assistance supported by United Nations agencies, funds and programmes (see A/65/741, para. 16).

14. Marrying advocacy with practical commitment to halt the recruitment and use of children in armed conflict, action plans requested by the Security Council in, inter alia, resolution 1539 (2004), also respond to General Assembly resolution 64/146, in which Member States called on all parties to conflict to take time-bound and effective measures to end all violations and abuses against children. Action plans to end grave violations against children signal a widespread acknowledgement that the impact of armed conflict on children is an affront not only to human rights and development, but also to the peace and security agenda of the United Nations.

15. To date, action plans to halt the recruitment and use of children in armed conflict have been signed with 15 State and non-State parties in 8 countries: Afghanistan, Chad, Côte d'Ivoire, Nepal, the Philippines, Sri Lanka, the Sudan and Uganda. During the reporting period, the Afghan and Chadian security forces signed action plans to release children present in their units and put in place the legal safeguards and practical protocols necessary to prevent the recruitment and use of children. Six action plans have been successfully completed to date. The Office of the Special Representative, together with key United Nations partners, including UNICEF and the International Labour Organization (ILO), supports advocacy for the signature of action plans and provides technical support and guidance for their preparation and implementation.

16. The durable separation of children from armed forces and groups is a complex process that requires appropriate security safeguards, support from child protection partners and the existence of economic as well as social reintegration opportunities. In line with the Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups, the experience of operational partners has shown that reintegration assistance to children must be tailored to their specific needs. As such, the needs of younger children are different to those of working age (15-17 depending on national legislation). While for younger children reintegration assistance should emphasize schooling combined, where appropriate, with economic assistance to the family, older children usually require vocational training or apprenticeships, which would enable a transition to employment. The Office of the Special Representative, through the Inter-Agency Working Group on Disarmament, Demobilization and Reintegration, co-chaired by the Department of Peacekeeping Operations and the United Nations Development Programme (UNDP), will continue to contribute to policy and guidance development on child disarmament, demobilization and reintegration and to conduct advocacy for the implementation and mainstreaming of such guidance.

E. Enhancing the legal and normative framework for children and armed conflict

17. During the reporting period, the Special Representative worked towards the strengthening of the legal and normative framework for the protection of children, including through the implementation of the campaign for the universal ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The campaign, Zero Under 18, has been conducted in cooperation with UNICEF, the Office of the Special Representative of the Secretary-General for Violence against Children, and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Optional Protocol, adopted in 2000, prohibits the forced recruitment of children under the age of 18 by armed forces and armed groups and their direct participation in hostilities.

18. The Special Representative has conducted outreach activities with 34 Member States that are not party to the Optional Protocol and briefed several regional organizations, including the Caribbean Community (CARICOM) and the Organization of Islamic Cooperation (OIC). The Office of the Special Representative organized a treaty signing event during the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals in September 2010 and held a forum in New York on the occasion of the first anniversary of the campaign in May 2010. During a seminar organized by the United Nations Institute for Training and Research, the Office provided technical advice to Member States on the ratification process.

19. Since the launch of the campaign in May 2010, 12 treaty actions have been taken: three Member States have signed the Optional Protocol (Central African Republic, Ethiopia and Iran (Islamic Republic of)), five have ratified it (Cyprus, Djibouti, Gabon, Malawi and Seychelles) and five have acceded to it (Congo, Georgia, Guyana, St. Vincent and the Grenadines and Saudi Arabia). To date, the Optional Protocol has been ratified by 142 States.

20. The Special Representative continues to encourage Member States to become party to other relevant treaties, including ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour, which defines child recruitment as one of the worst forms of child labour, as well as the African Charter of the Rights and Welfare of the Child (1999), which prohibits child recruitment and upholds the fundamental rights of children.

III. Children and armed conflict: trends and challenges

A. The changing nature of conflict

1. Use of children as instruments of violence in conflict

21. Of growing concern is the use of children — sometimes unbeknownst to them — to carry or wear explosives. The reporting period has seen a steady increase in the number of girls and boys being used by armed groups for such purposes. These children, sometimes as young as eight, are often unaware of the actions or consequences of the acts they are instigated to commit. Such acts often lead to their own death and the killing of civilians, including other children.

22. Little is known of the strategies used by armed actors to access children for these acts of violence. However, anecdotal evidence suggests that families are forced to hand over their children to take part in these actions, and there have also been cases of poor families being induced by armed groups to give their children away, through the promise of money. The use of very young children and/or disabled children for such acts is also a horrifying trend of grave concern. There is an urgent need to fill the knowledge gap and to reach a better understanding of how these acts could be prevented. Concomitantly, there is a need to better address the stigmatization of, and prejudice against, children suspected of collaboration with armed actors, which lead to other violations including beatings, threats to children and their families, acts tantamount to torture, arbitrary arrests and detentions. In this context, particular attention must be given to young children, girls and disabled children.

2. Protection of children during military operations

23. In her last report, the Special Representative emphasized the risks for children during the course of military operations and the need to put in place specific policies and procedures, including tactical directives and standard operating procedures, in order to uphold international humanitarian law and prevent violations against children. New instruments of war, including the use of new technologies, the absence of clear battlefields and identifiable opponents have led to greater risks to children during military operations. The use of aerial attacks, including by drone, and night raids should be reviewed as a matter of priority by all armed actors, in order to minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.

24. The safety and security of children is critical to the legitimacy and credibility of any military activity. This is even more important in the context of peacekeeping or stabilization operations, where consent for the foreign presence is paramount to

the success of the mission. The rules of engagement of armed forces must stipulate the protection of civilians as a foremost consideration in military operations, including in the context of counter-insurgency activities. The principles of proportionality and distinction must be upheld in today's conflict settings by all armed actors; it is only through respect for these principles that the victimization of children can be avoided.

25. The Special Representative reiterates her call for the development of directives and standard operating procedures to ensure that military operations are conducted in conformity with applicable international humanitarian law and safeguard the protection of civilians, including children. During the reporting period, standard operating procedures have been developed by the Ugandan army, with the support of the Office of the Special Representative, to ensure the protection of children captured by, or in the custody of, the armed forces during operations against the Lord's Resistance Army (LRA). The Special Representative reiterates her call to all relevant military actors, including armed forces, multinational forces and peacekeeping operations, to implement as a matter of priority the minimum set of measures highlighted in the annex to the present report.

3. Detention and prosecution of children associated with armed groups

26. States are increasingly arresting and detaining children for alleged association with armed groups. Children who are captured and placed in detention are sometimes kept in conditions which do not meet the minimum standards set out in various international legal instruments.

27. In some situations, States place children in administrative detention, rather than charging them with a criminal offence and bringing them before a court. These children are often detained for long periods without being granted access to a lawyer and without other legal safeguards being applied. Evidence abounds that, when deprived of their liberty, children are particularly vulnerable to human rights abuses, including degrading and inhuman treatment and/or acts tantamount to torture.

28. In other situations, States charge children for allegedly having committed acts during their association with an armed group that are regarded as crimes under national or international law. These children sometimes languish in prolonged pretrial detention without access to legal assistance. In addition, trials before national courts or military tribunals do not generally apply juvenile justice standards and due process safeguards. As a result, children are frequently tried without legal representation or assistance, are not accompanied by their parents or a legal guardian and do not have a clear understanding of the charges brought against them.

29. Given the often forced nature of their association with armed groups, and considering their age, children should be treated primarily as victims, not as perpetrators. Emphasis should be placed on prosecuting individuals based on the concept of command responsibility. States should also prosecute adult recruiters and commanders not only for the crime of child recruitment, but also for other crimes they may have forced children to commit.

30. The detention and prosecution of children for crimes arising from active participation in hostilities should always be a measure of last resort. Many children who are charged with such crimes may themselves have been forced or enticed to join armed groups. During their association with an armed group, children are often

abused, beaten, exploited and manipulated by commanders to commit criminal acts, ranging from minor security offences to war crimes. Although the need for some form of formal accountability is acknowledged, diversion from the judicial system is more suitable for children. Alternatives that take the best interest of the child into consideration and promote the reintegration of the child into his or her family and community include non-judicial mechanisms such as restorative justice measures, truth-telling, traditional healing ceremonies and reintegration programmes.

31. The Convention on the Rights of the Child requires that States seek alternatives to judicial proceedings for children at the national level and that any solution needs to take into account "the child's assuming of a constructive role in society." For children, understanding and acknowledging a past wrongdoing plays a crucial role in their psychosocial development and reintegration process. Accountability based on restorative approaches contributes to a child's rehabilitation and reconciliation with his or her community.

32. The Office of the Special Representative is finalizing a working paper which will explore the issue of the responsibility and accountability of children who have committed criminal acts during armed conflict and the alternatives that can be used to assist children in reintegrating into society. The purpose will be to bring conceptual clarity to the issue by examining the international legal framework related to the detention of children; the treatment and rights of children in detention; and the protection of children who are subject to prosecution and trial. It will also discuss other, non-judicial justice mechanisms with more rehabilitative functions.

B. Child protection and security sector reform

33. In recent years, at the request of Governments or the Security Council, United Nations bodies have played an increasing role in assisting national actors in their efforts to develop accountable and effective security institutions on the basis of non-discrimination, respect for human rights and the rule of law. Support has ranged from facilitating discussions on security arrangements as part of wider negotiations between parties to a prospective peace agreement, to technical advice on and/or support for the implementation of security sector reform plans. In this context, child protection considerations are central to efforts to build rights-based, accountable security systems.

34. The security needs of marginalized or socially excluded groups, particularly those of children and women, should be taken into account when developing plans for security sector reform. Security institutions should integrate the protection of children as a priority area of their mandates; threats to children have often been overlooked, resulting in the exposure of children to grave violations, both in conflict and peacetime. In countries such as the Sudan and South Sudan, the establishment of specialized child protection units in the armed forces has gone a long way to ensuring timely response to cases of violations against children and has helped raise awareness of child rights and welfare among the security forces more widely. Such positive initiatives should be replicated elsewhere. In addition, in order to prevent mobilization of children, recruitment protocols must ensure rigorous age verification: civil registry records, when incomplete or inaccurate, must be supplemented by other procedures to ascertain age.

35. Where armed forces and groups are merged, or demobilized and reintegrated as part of a peace agreement, there is a need to ensure, as a first step in any security sector reform process, that children who may be associated with the parties are separated. The initial stage in such situations is often the registration of combatants. Measures must be systematically put in place to effect age verification or, where reliable State-managed data on birth dates are not available, to establish a solid method of for age determination. However, separating children from armed forces and groups should not be dependent on security sector reform plans. Recruitment and use of children in armed conflict is a violation of international law; there is a normative imperative for children to be identified and separated, inter alia in the context of the action plans mentioned earlier.

36. Awareness-raising and training on child protection is critical to strengthening accountability and respect for human rights within the security forces. Such training must be administered to all actors in the security sector and should cover the international and national normative framework and its application, as well as the care and treatment of children in conflict with the law.

37. Ultimately, ensuring that security institutions uphold and practice child protection is a long-term endeavour, requiring dedicated and focused efforts on the part of national actors: the Government, legislative bodies, the judiciary and civil society. It is through a partnership between national actors, with international support, that child protection can be mainstreamed into the security sector.

C. Protecting education in armed conflict

38. In her previous reports, the Special Representative has consistently noted with concern the increasing trend of attacks on education. Such acts include the partial or total destruction of schools and other education facilities and threatened or actual targeting of education personnel. Attacks on education undermine the establishment of a protective environment for children and their chances for a better future. In addition, violent attacks on girls and targeted attacks on their education undermine their role in society and prevent them from exercising their rights.

39. The reporting period has seen progress in terms of protective measures for education and the rights of children to education. Greater international attention led to the creation in 2010 of the Global Coalition to Protect Education from Attack, composed of United Nations agencies and NGOs. It has helped prevent attacks on education; develop effective response to attacks; improve knowledge, monitoring and reporting; and advocate for international norms and standards and increased accountability. In March 2011, the United Nations Educational, Scientific and Cultural Organization (UNESCO) published an innovative report highlighting the impact of armed conflict on education.[1] The Special Representative welcomes these initiatives and looks forward to working closely with the Global Coalition, UNESCO and other concerned partners to enhance protection from attacks on education.

40. Following the adoption by the General Assembly of its groundbreaking resolution 64/290 on the right to education in emergency situations, the Security

[1] United Nations Educational, Scientific and Cultural Organization, *The Hidden Crisis: Armed Conflict and Education* (Paris, 2011).

Council also strengthened its efforts on this matter. In July 2011, the Security Council adopted resolution 1998 (2011), expanding the listing in the annexes to the annual reports of the Secretary-General on children and armed conflict to perpetrators of recurrent attacks against schools and recurrent attacks or threats of attacks against protected personnel in relation to such facilities. The Special Representative commends the focused attention of the General Assembly and the Security Council on the right of children to access education and urges Member States, together with other child protection partners, to implement the decisions of both bodies.

D. Cross-border efforts to protect children affected by conflict

41. With the flow of civilians and combatants across borders, the regional aspects of conflicts have brought new challenges to the safety, security and protection of children. The activities across borders by armed groups such as the LRA, operating over vast stretches of the central African hinterland, have proven difficult to follow, and as a result the threat posed by them has been concomitantly difficult to contain. Two aspects are worthy of note with regard to the operational response to the challenges posed by cross-border threats.

42. First, there is a need to ensure a well-coordinated monitoring and reporting mechanism, which is able to pull the various country-specific strands of information together in order to develop a comprehensive view of the trends and patterns of violations perpetrated by armed groups. This is critical in order to ensure that appropriate practical measures are taken to protect civilians in affected areas. For instance, during the reporting period, with the support of the Office of the Special Representative, UNICEF enhanced its capacity to facilitate coordination and information-sharing on LRA between child protection teams in the Central African Republic, the Democratic Republic of the Congo, the Sudan and Uganda.

43. Secondly, the reintegration of children formerly associated with armed forces and groups often involves a repatriation component, where the child, operating alongside the armed force or group on foreign soil, returns to his or her country of origin for reintegration into civilian life. In such cases, close contact and coordination between national authorities and child protection partners is essential.

IV. Ending violations and abuses against children in conflict

A. Root causes

44. Efforts to end violations and abuses against children during conflict must stem from a thorough understanding of the structural causes of conflict and the circumstances that give rise to these violations and abuses. Poverty, discrimination, environmental degradation, social and economic marginalization and inequity are some of the factors that create the conditions for children to be associated with armed forces or groups, forcibly or voluntarily.

45. Research has demonstrated a strong correlation between poverty and violent conflict, as well as between violent conflict and poor human development indicators. Millennium Development Goal indicators reveal that countries in

situations of armed conflict account for one third of those living in extreme poverty, half of the children with no access to primary education and half of the children who die before their fifth birthday. While not all poor children in conflict situations become soldiers, poverty is an important motivating factor for children to join armed forces and groups. In some areas, poverty means a lack of access to education and other basic social services and few opportunities for employment and income generation. Children, often with the encouragement of parents and the incitement of armed actors, become combatants in the hope that they will be well fed, housed and protected.

46. Perceptions of discrimination, social injustice, political exclusion and economic disparity are often motivating factors for children to join armed groups. Compounded with collective identity, defined often in ethnic, regional or religious terms, these perceptions become potent mobilizers of communities, including children. Loyalty to the group sometimes becomes a bargaining tool for armed groups, and members of the community are called upon to play their part and contribute their children to the struggle. Children are susceptible to these demands, not only as a result of social pressure or a sense of obligation, but also as a consequence of personal injustices suffered. When crimes against children are committed with impunity, many join armed groups motivated by a desire for revenge.

47. The weak writ of the State, particularly in peripheral areas, is another contributing factor to conflict and has played a role in exposing children to violence. Where the State is challenged in its ability to provide security, deliver basic social services, adjudicate on grievances and facilitate economic activity, local communities turn to alternative forms of authority. Traditional governance structures and/or justice mechanisms, may take precedence over weak statutory institutions. However, traditional governance structures are often not underpinned by the normative standards and protection mechanisms facilitated by the State. Where conflict is occurring, local communities also often form self-defence groups and frequently enlist young children in the community to fight and defend them against external threats.

48. In some societies, protracted violent conflict becomes an end in itself, with a political economy driven by the logic of economic gain and political compromise. In such contexts, children are socialized to accept war as the norm, not the exception, and to seek advancement in the structures it creates. Military commanders become role models for children and the military ethos becomes part of everyday life. Joining an armed group may facilitate social mobility, with access to resources and the ability to wield power and influence in the territory under the control of the armed group. In such situations of chronic conflict, joining an armed group may be seen by children as a legitimate avenue of advancement in a society that offers them few other options.

49. The above are some of the key factors which create an environment that is conducive to children being caught up in conflict. Without addressing the conditions which create conflict at the strategic level, children will continue to be victimized by armed conflict. In this regard, as called for by the General Assembly in its resolution 64/241, States must "enhance complementarity and coordination of national policies and strategies related to security, development, human rights and humanitarian issues, with a view to addressing the short-, medium- and long-term

impact of armed conflict on children in an effective, sustainable and comprehensive manner". The United Nations system and the international community more widely must support the efforts of Governments in building societies that are resilient during conflict, including by contributing to economic development and equity, while supporting initiatives to strengthen social justice and accountability.

B. Prevention of violations and abuses against children

50. At the strategic level, clearly the most effective way of protecting children from the scourge of war is by mitigating the outbreak of armed conflict. Conflict prevention means addressing the root causes of violence and promoting sustainable and equitable human development. As identified in the Machel study and the 2007 10-year review of that study (see A/62/228), sustainable conflict prevention and peacebuilding require going beyond political settlements and strengthening the key vectors of peace, including good governance; the creation of an accountable, legitimate and rule-based security sector; an independent and effective judicial system; the delivery of basic social services; and the creation of an economic environment conducive to employment and wealth creation.

51. Studies suggest that there is a strong correlation between a disproportionately large youth population and civil strife. While demographics alone do not instigate conflict, systematically engaging and targeting young people as the beneficiaries of development programmes, particularly in countries with a youth bulge, could mitigate the risk. The need to promote youth employment and the development of skills among young people during peacetime and in post-conflict periods must be an important component of reconstruction and development strategies.

52. The above are broad and long-term measures that States affected by conflict must address progressively, with the sustained support of the international community. A number of more direct protective steps may be taken by national actors, with international support. During conflict, the creation of child protection networks may assist in helping communities to better protect their children. These networks alert the community to threats or violations and can help develop a community-based response to the consequences of violence. They can also help prevent abuses by raising awareness and forging linkages with entities that can provide protection. Being able to rely on a network of support makes children feel more secure and provides a mechanism for assistance when violations or abuses are committed against them.

53. At the start of any conflict, community leaders should be persuaded to make a special effort to negotiate with parties to ensure that schools are designated as "zones of peace" and are not the targets of attacks or use by military forces or armed groups. In this way, children will be free to pursue their education without abuse or violence. Community-based action to protect schools is another way in which to ensure that children are safe. Maintaining a degree of normalcy in the lives of children during conflict, through the continuation of schooling, sustains their development, while protecting them from recruitment by armed actors.

C. Addressing accountability at the global level

54. Since the 1996 Machel study, the international community has made significant progress in strengthening the legal framework for the protection of children in armed conflict and in bringing perpetrators to justice. Violations against children have been addressed by the International Criminal Court, the International Criminal Tribunals for the former Yugoslavia and for Rwanda and the Special Court for Sierra Leone. These international and hybrid courts, along with mixed chambers such as those established in Bosnia and Herzegovina, have been critical in complementing national justice mechanisms in addressing crimes against children.

55. It must be emphasized that international efforts alone cannot achieve durable results in the fight against impunity. Sustained accountability for crimes committed can only be reached through the ownership of the people and justice system of the nation concerned, in conformity with international standards. In societies emerging from conflict, where State institutions and the social fabric have been weakened by war, the international community has an important role to play in supporting national efforts to strengthen the justice sector and the rule of law more broadly. Developing the capacity of societies to deal with violations through an effective justice system is the only way to ensure that justice will be sustainable.

56. The international community should also support reparations mechanisms in countries emerging from armed conflict. Reparations are a way of providing social justice in post-conflict societies, and are an effective additional accountability mechanism. This is particularly the case in areas where access to justice and redress through the courts is difficult or not possible because of a weak judicial system or a lack of confidence in the judiciary, where the identity of perpetrators are unknown, or where, for political reasons, perpetrators of human rights abuses are exempted from judicial accountability processes.

D. The need for a protection dialogue

57. In its resolution 64/146, the General Assembly called on States and other parties to armed conflict that engage in violations and abuses against children in contravention of applicable international law to take time-bound and effective measures to end such practices. The delivery of protection and assistance to child victims of violations and abuses in armed conflict by States, together with United Nations entities, civil society and regional organizations, necessitates a dialogue among all partners involved, in order to ensure coordination and the establishment of appropriate response mechanisms. Partnerships with Governments are critical in ending grave violations against children. In this regard, inter-ministerial committees composed of relevant Government entities can serve as effective forums for coordination and dialogue with United Nations counterparts.

58. Where relevant and possible, dialogue with non-State actors may take place in the context of peace processes. However, working closely with the relevant Governments, dialogue on the establishment of time-bound and effective measures to protect child victims — including action plans to halt particular violations — should be explored regardless of the status of political discussions. Contexts vary and experience has shown that innovation is a key ingredient for effective protection measures to be put in place. In the absence of a peace process Governments, as the

primary duty-bearers for the protection of children, should work in partnership with the United Nations to ensure that time-bound and effective measures, including action plans, are put in place by all parties.

E. Targeted and graduated measures

59. Efforts to strengthen the links between the work of the Security Council on children and armed conflict and its sanctions regime is an area of ongoing work. Targeted and graduated sanctions should be applied against persistent perpetrators as a measure of last resort, when all other means have failed to end impunity for crimes committed against children. In its most recent resolution on children and armed conflict (resolution 1998 (2011)), the Security Council reaffirmed its readiness, expressed in previous resolutions and presidential statements, to adopt targeted and graduated measures against persistent perpetrators of grave violations against children, and increasingly to integrate violations against children into its sanctions regimes.

60. In response, in May of this year, the Special Representative briefed the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, proposing the addition of grave violations against children as designation criteria for sanctions. The Security Council, by its resolution 2002 (2011), expanded the sanctions regime in Somalia to include grave violations against children in armed conflict in its designation criteria. Closer collaboration between the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea and the Security Council Working Group on Children and Armed Conflict will enhance coherence in the work of the Council and strengthen its actions against impunity. Going forward, it will be critical to expand this practice to other sanctions committees which address persistent perpetrators of grave violations against children.

F. Role of Governments in protecting children affected by conflict

61. Governments bear the primary responsibility for the protection of children and, more widely, of civilians. A number of steps must be taken to build a protective environment for children, before, during and after conflict. Foremost is the establishment of a national legal framework enshrining international norms that upholds the rights of children and protects them from the consequences of conflict. In this regard, the ratification and subsequent implementation of the Convention on the Rights of the Child, inter alia through translation into national legislation, followed by the necessary administrative, budgetary and social policy adjustments, is a key foundational step towards the protection of children. Further child-specific legal instruments, such as child protection codes or acts, which include a gamut of measures from juvenile justice to punitive measures against violations and abuses of child rights, have provided an additional layer of legal protection in States affected by conflict.

62. Where societies are emerging from conflict, transitional justice mechanisms should be put in place by national authorities to ensure that wartime crimes against children are accounted for. Transitional justice mechanisms based on judicial processes may be complemented by non-judicial accountability mechanisms. These

mechanisms, which can include truth-seeking and restorative approaches, can provide the cathartic effect required for reconciliation and are appropriate for child perpetrators who, as children, should be spared from prosecution. The recently passed Victims Law in Colombia, for example, is a laudable initiative aiming at ensuring that child victims of violations and abuses during conflict receive reparations from the Government.

G. Advocacy

63. With significant challenges remaining to the protection of children affected by conflict, advocacy is critical in developing awareness and instigating behaviour change with a view to ultimately ending grave violations against children in conflict. The Special Representative's advocacy efforts will continue to highlight key issues of concern with a view to creating greater political and donor support for Governments and operational partners working on the protection of children affected by conflict.

64. Advocacy efforts will focus on a number of key priority areas. These include the delivery of comprehensive and long-term reintegration assistance for children, based on identified programmatic best practice; the rights of internally displaced children, particularly with regard to access to education and security; the rights of children in contact with justice systems, both as victims and perpetrators; the relationship between conflict and poverty, with particular reference to Millennium Development Goal indicators; and the protection challenges raised by the changing nature of conflict and the exposure of children to military operations.

65. The Special Representative will continue to engage with Member States, experts and the academic community to foster greater knowledge and develop and refine knowledge and understanding of emerging challenges to the protection of children in conflict.

V. Mainstreaming child protection within the United Nations system

A. Child protection in United Nations field missions

66. A key priority for the Special Representative has been the mainstreaming of child protection expertise within the United Nations system, in line with her mandate to contribute to the coordination of efforts and to promote the collection of information on the plight of children affected by armed conflict. Within the Secretariat, the Department of Peacekeeping Operations and the Department of Political Affairs, two departments with a field presence, have appointed focal points to ensure that child protection concerns are factored into their departmental policy and operational activities, while working closely with the Office of the Special Representative. In 2011, the Department of Peacekeeping Operations obtained a regular post for the child protection focal point, enabling the provision of dedicated and sustained support to field-based child protection advisers and the mainstreaming of child protection at Headquarters. Given the increasing child protection challenges as outlined in the present report, there is a critical need for a consistent focus on child protection within relevant departments of the Secretariat. The Special

Representative encourages key Secretariat bodies, including the Department of Political Affairs, OHCHR and the Peacebuilding Support Office to follow the example of the Department of Peacekeeping Operations.

67. The Department of Peacekeeping Operations-Department of Field Support child protection policy directive, established in 2009 and outlined in the previous report of the Special Representative (A/65/219), has guided child protection activities in peacekeeping operations and contributed to the collection of accurate, objective, reliable and verifiable information on grave violations against children. The policy directive defines the roles and responsibilities of child protection personnel in peacekeeping operations and provides a clear framework for the division of labour and complementarity between peacekeeping operations and United Nations agencies, funds and programmes. It is expected that the policy directive will be reviewed and updated during the next reporting cycle. This review may constitute an opportunity to consider the development of joint child protection guidance by the Department of Peacekeeping Operations, the Department of Field Support and the Department of Political Affairs, applicable to all United Nations field missions. Mainstreaming child protection in special political missions and peacebuilding offices managed by the Department of Political Affairs is critical, as they are called to play an increasing child protection role in post-conflict environments and during the complex transition from peacekeeping to peacebuilding.

68. Since the adoption of the child protection policy, the Department of Peacekeeping Operations has developed a policy implementation plan to facilitate sustained and systematic implementation of the child protection mandate in the field and at Headquarters. Among the key priorities identified in the plan is the strengthening of training activities for peacekeeping personnel. In this regard, the Department is partnering with the Office of the Special Representative, UNICEF and Save the Children to strengthen and develop predeployment and in-mission training programmes and material.

69. The support of the General Assembly for the deployment and role of child protection advisers has been significant, including through resolution 62/141 on the rights of the child and the Special Committee on Peacekeeping Operations. Child protection advisers have been appointed in seven field missions. In this regard, it is notable that most mandates for United Nations peacekeeping and political missions now include a child protection dimension. The commitment to protect children has increasingly been reflected in the child protection staffing and resources approved by the General Assembly for United Nations field operations, through the work of the Fifth Committee, with the advice of the Advisory Committee on Administrative and Budgetary Questions and support of the Special Committee on Peacekeeping Operations. The Special Representative appreciates the critical support provided by the General Assembly to the mainstreaming of child protection in United Nations activities and urges continued support for the same.

B. Partnerships on child protection in the United Nations system

70. As chair of the Headquarters Task Force on Children and Armed Conflict, the Special Representative convenes 16 departments, agencies, funds and programmes in order to consult on child protection issues of concern and the preparation of the

annual report of the Secretary-General on children and armed conflict. These encounters help identify areas requiring further advocacy, mainstreaming and/or increased cooperation and coordination. Through the country task forces, the Office of the Special Representative has continued to support field-based child protection efforts, including through the provision of technical support, as well as support for training, advocacy and fund-raising.

71. The close partnership between UNICEF and the Office of the Special Representative continued during the reporting period. This cooperation has been critical for the children and armed conflict agenda, at both the global and field levels, and technical coordination continues to bear fruit in terms of guidance for the field, the implementation of action plans and the strengthening of child protection capacities in the field. The Special Representative remains committed to advocating with donor countries to ensure that these action plans and reintegration programmes led by UNICEF receive the necessary attention in terms of long-term sustainable funding.

72. Regular coordination also takes place with the Special Representative of the Secretary-General on Violence against Children on issues of common concern, including the joint campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child.

73. The Office of the Special Representative has continued to work closely with the Special Representative of the Secretary-General for Sexual Violence in Conflict to advance preventive activities on sexual violence against children. This reporting period has seen increased collaboration at the technical level to ensure that the activities of the two offices complement each other. Members of staff of the Office of the Special Representative participated in a workshop organized by the Department of Peacekeeping Operations on this matter and engaged on an ongoing basis with the Office of the Special Representative for Sexual Violence in Conflict, the Department of Peacekeeping Operations and UNICEF for the preparation of guidance on sexual violence for field missions and partners. It has been agreed that the Special Representative for Sexual Violence in Conflict will take the lead on all matters related to sexual violence, including on obtaining commitments from parties to conflict where appropriate, and in close consultation with the Office of the Special Representative for Children and Armed Conflict for matters relating to children. In situations where there is no monitoring and reporting framework for the sexual violence in conflict agenda to take the lead, the Special Representative for Children and Armed Conflict will continue to advocate for the implementation of action plans on sexual violence against children.

VI. Recommendations for the way forward

74. **The Special Representative urges Member States, United Nations agencies, funds and programmes and NGOs to redouble efforts to implement the full range of protection and programmatic measures outlined in the recommendations of the 1996 Machel study and the 2007 10-year review of that study. In this regard, part two of the report of the Special Representative of 2007 (A/62/228), which included recommendations based on the findings of the 10-year review, is referenced.**

75. Cognizant of the primary responsibility of States in the protection of children, the Special Representative urges Member States to strengthen policies and practices that ensure prevention of violation and abuse and stands ready to facilitate the sharing of best practices between Member States in that regard.

76. The Special Representative reiterates her call for States to establish 18 years as the minimum age for voluntary recruitment into the armed forces when depositing their binding declaration (under article 3) upon ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

77. The Special Representative calls upon Member States to end impunity and to prosecute and punish those who commit grave violations against children during armed conflict. The international community should support Member States whenever appropriate by developing their capacity to deal with issues of justice during conflict situations.

78. Given the serious impact that military operations, particularly those involving aerial attacks, including by drone and helicopter, and night raids, have on children, the Special Representative welcomes efforts by multinational forces to adopt and implement tactical directives and standard operating procedures to minimize civilian casualties and destruction of civilian installations and urges all multinational forces and peacekeeping operations to ensure that appropriate policies and procedures be put in place, and the requisite training of military personnel conducted.

79. The Special Representative encourages Member States to apply juvenile justice standards and due process safeguards when bringing a child to trial and to avoid maintaining children in administrative or prolonged pretrial detention. Where possible, Member States should consider excluding children below 18 from criminal responsibility for crimes committed while associated with an armed force or an armed group, by virtue of their age, the chain of command and the forced nature of recruitment. Non-judicial, restorative accountability mechanisms that take the best interests of the child into consideration and promote their reintegration should be introduced.

80. Recognizing that sustainable, long-term social and economic reintegration is the cornerstone for the durable separation of children from parties to armed conflict, the Special Representative urges donors to provide sustained and long-term support to reintegration in line with the Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups, including in the areas of education, vocational training and income-generating activities, as appropriate, and to support the financial aspects of the implementation of actions plans to end the recruitment and use, killing and maiming of and sexual violence against children, as well as attacks on schools and hospitals.

81. The Special Representative encourages Member States to continue to support the mainstreaming of child protection in United Nations activities, both in field missions and at Headquarters, and to facilitate the timely deployment of child protection advisers in peacekeeping and peacebuilding, as appropriate, as well as the authorization of adequate resources for this purpose.

82. **Member States contributing uniformed personnel are encouraged to incorporate a child protection module into their national predeployment training for military, police and civilian personnel.**

83. **The Special Representative encourages all relevant United Nations agencies and programmes to strengthen their child protection capacity, including with dedicated capacity when appropriate, at global and field levels.**

Annex

Suggested standard operating procedures for the protection of children in the conduct of military operations

(a) Establish a joint military-civilian assessment of the security risk for populations, and especially children, prior to any military action;

(b) Refrain from engaging in combat and/or using heavy artillery in highly populated areas. In this context, the protection of schools and hospitals as "zones of peace" should be paramount;

(c) Refrain from occupying or using schools and health facilities, or their vicinity, for purposes that could turn them into military targets;

(d) Undertake systematic post-operation assessment of the impact on civilians including children;

(e) Implement an immediate and transparent framework of investigation into alleged crimes committed against children by elements of the armed forces in the conduct of military operations. Reports on the progress and results of these investigations should be made public and disciplinary measures, if appropriate, should be promptly taken against the perpetrators;

(f) Establish a framework to ensure reparations and/or compensation are provided to children and their families for violations committed in the context of military operations that led to the killing and/or maiming of children or acts of sexual violence against children;

(g) Develop procedures for the reception, treatment and rapid handover to United Nations child protection actors of children separated from armed groups in the course of military operations;

(h) Appoint a focal point on children and armed conflict within the armed forces in order to follow up on all steps mentioned above.